

Peter R. Afrasiabi (Bar No. 193336)  
Christopher W. Arledge (Bar No. 200767)  
TURNER GREEN AFRASIABI & ARLEDGE LLP  
535 Anton Boulevard, Suite 850  
Costa Mesa, California 92626  
Telephone: (714) 434-8750  
Facsimile: (714) 434-8756

Attorneys for Plaintiff Network Signatures, Inc.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

Network Signatures, Inc.,  
Plaintiff,  
v.  
Citigroup, Inc.,  
Defendant.

Case No. **08-00718 DOC (RNBx)**

**JOINT RULE 26(F) REPORT**

Hearing Date: December 15, 2008  
Time: 8:30  
Courtroom: 9-D

Network Signatures, Inc. and Citigroup, Inc. hereby submit their Joint Rule 26(f) Report. The Report includes all information required by this Court's Order Setting Scheduling Conference, and notes the parties' disagreements on issues where applicable.

**A. SYNOPSIS**

**1. Network Signatures' Position:** This is a patent enforcement and infringement action by Plaintiff, the exclusive licensee to United States Patent No. 5,511,122 ("the '122 patent") entitled "Intermediate Network Authentication." Plaintiff is currently commercializing '122 patent technology and concurrently enforcing the '122 patent, which was developed by the United States Navy.

To allow enforcement, commercialization of and protection of this patent and the technology it represents, the United States Navy granted an exclusive license to NS of the entire right, title, and interest in and to the '122 Patent.

1 The '122 patent claims, among other things, a critical method of authenticating a  
2 computer user in which the computer user's private electronic key is used, together with a  
3 validating computer's public electronic key, to create a cryptographic signature, the  
4 cryptographic signature is transmitted in at least one packet to the validating computer, and  
5 the signature is verified by the validating computer using its private key and the public key  
6 of the computer user. This authentication method allows for the safe and secure  
7 communication of sensitive information, such as personal, banking, commercial, financial,  
8 and other information, as is transmitted by and between Defendant and its other related  
9 entities, customers and/or users. Defendant uses digital certificates and digital signatures  
10 implemented though the use of public key infrastructure to facilitate communication with  
11 its employees and customers, or related entities.

12 **2. Citibank's Position:**

13 Citibank does not agree with Plaintiff's contentions as stated in paragraph 1,  
14 including, without limitation, Plaintiff's description of the '122 patent claims. Defendant  
15 denies that it directly or indirectly infringes the asserted patents and contends that Plaintiff  
16 has failed to state a claim for which relief can be granted. Additionally, Defendant  
17 contends that the patents-in-suit are invalid based on failure to satisfy 35 U.S.C. §§ 101,  
18 102, 103, and/or 112, are unenforceable due to Plaintiff's inequitable conduct, and that the  
19 Plaintiff is barred from asserting its claims by, among other things, the doctrines of laches,  
20 waiver, equitable estoppel, res judicata, and/or collateral estoppel. Defendant also contends  
21 that Plaintiff lacks standing to enforce the asserted patents because its licenses are invalid.  
22 Defendant has asserted counterclaims for declaratory judgment of non-infringement and  
23 invalidity.

24 **B. PRINCIPAL ISSUES**

25 The key legal issues are: (1) whether Defendant infringes the '122 patent literally or  
26 under the doctrine of equivalents; (2) whether any such infringement was willful; (3)  
27 whether the '122 patent is valid; (4) whether as a result Plaintiff is entitled to an injunction;  
28 and (5) what damages Plaintiff is entitled to.

1 **C. ADDITIONAL PARTIES**

2 Plaintiff does not anticipate adding any further parties at this time.

3 **D. MOTIONS**

4 At this time, Plaintiff expects to file a motion for summary judgment on literal  
5 infringement and to secure a summary judgment on validity. Plaintiff is willing to have a  
6 *Markman* hearing if the Court desires or to address claim construction as many Judges do  
7 in the context of summary judgment. Defendant believes that a separate *Markman* hearing  
8 prior to summary judgment will help narrow the issues for summary judgment and assist  
9 the Court with the interpretation of the '122 patent. Defendant has proposed a schedule  
10 with deadlines related to a separate *Markman* hearing.

11 **E. SETTLEMENT**

12 The parties are currently in settlement negotiations. If the parties' efforts fail,  
13 plaintiff believes a private mediation with a retired Central District federal judge makes  
14 sense; Plaintiff proposes retired Judge Dickran Tevrizian or retired Judge Gary Taylor.  
15 Defendant is agreeable to private mediation.

16  
17 **F. DISCOVERY PLAN**

18 Plaintiff does not envision any needed changes to the Rule 26(a)  
19 disclosures/requirements. No written discovery has occurred yet. Plaintiff expects the  
20 parties will enter a standard two-tiered protective order to facilitate written discovery.  
21 Plaintiff does not believe any discovery should be phased.

22 **G. JURY TRIAL**

23 Plaintiff and Defendant believe a jury trial of 4-6 days will suffice.

24 **H. PROPOSED DATES**

25 Plaintiff proposes the following dates:

- 26 (a) Discovery cutoff 8/15/09
- 27 (b) Motion cutoff 10/15/09
- 28 (c) PTC 11/9/09

(d) Trial 11/16/09

Defendant proposes the following dates:

(a) Plaintiff's Infringement Contentions: 1/30/09

(b) Defendant's Invalidity Contentions: 6/29/09

(c) Simultaneous Exchange of Claim Terms for Construction: 8/17/09

(d) Preliminary Proposed Claim Construction/Extrinsic Evid.: 10/19/09

(e) Joint Claim Construction: 12/14/2009

(f) Plaintiff's Claim Construction Brief: 1/15/2010

(g) Defendant's Response: 2/15/2010

(h) Plaintiff's Reply: 2/26/2010

(i) Markman Hearing: 3/26/2010

(j) Discovery cutoff: 12/14/09

(k) Motion cutoff: 5/17/2010

(l) PTC: 6/28/2010

(m) Trial: 7/19/2010.

Dated: December 1, 2008

**TURNER GREEN AFRASIABI & ARLEDGE LLP**

By: /s/ Peter R. Afrasiabi

Peter R. Afrasiabi

Attorneys for Plaintiff, Network Signatures, Inc.

Dated: December 1, 2008

By: /s/ John W. MacPete

John W. MacPete

Attorneys for Defendant